

1935

January 12

Mr. William H. Messeck, Jr.  
State Forester  
Forestry Division  
State House Annex

Dear Sir:

You have requested an opinion from this office as to whether, under the provisions of R. L. c. 237, every person working as an employee of a registered arborist, must himself be registered.

It is my opinion that employees do not necessarily have to be registered. Section 1 of the said chapter states in part that no person, firm, or corporation shall advertise, solicit, or contract to improve the condition of trees. Under this section, therefore, you are not concerned with the person actually performing the labor. You are interested in any person who advertises, solicits or contracts, and any person who may be engaged to solicit business for the employer. Employees of the registered arborist, performing the actual labor, need not be registered as they are not engaged in soliciting or contracting with the ultimate consumer.

The registration required indicates that employees of a corporation, partnership or business may pursue the occupation of their employer, under his supervision and control, and the employer is responsible for the acts of the employees in the performance of such work.

Very truly yours,

Arthur E. Bean, Jr.  
Assistant Attorney General

AEB, Jr/T

NEW HAMPSHIRE LAW LIBRARY

SEP 2 1935

CONCORD, N.H.